

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CANADIAN NATIONAL RAILWAY
COMPANY,

07 Civ 8226 (KMK)

Plaintiff,

- against -

**STIPULATION AND ORDER
OF DISCONTINUANCE**

VANTIX LOGISTICS and PEPSI COLA
CANADA BEVERAGES,

Defendants.

Pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, it is hereby stipulated and agreed that this action is discontinued with prejudice only as to Defendant Vantix Logistics, but with each party to pay its own costs and attorneys' fees.

Defendant Pepsi Cola Canada Beverages has not appeared in the action

Dated: _____, New Jersey
June 18, 2008

CAPEHART & SCATCHARD, P.A.

By: _____

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Dated: New York, New York
June 16, 2008

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SO ORDERED:

Kenneth M. Karas, U.S.D.J.

Date